

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal Action
	:	No.: 13-CR-00629
	:	
DANIEL PAUL ALTIERI	:	
Defendant	:	

ORDER TO SURRENDER

AND NOW, this _____ day of _____, 2015, the Motion of the Defendant to Modify the Prior Order to Surrender dated October 29, 2015 (Doc. 45) is GRANTED.

IT IS ORDERED that the execution of the prison sentence is suspended until January 4, 2016, at which time Defendant is directed to report to the institution designated by the United States Bureau of Prisons no later than 2:00 p.m. to commence serving said sentence.

BY THE COURT:

JOSEPH F. LESSON, JR., J.

**IN THE UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal Action
	:	No.: 13-CR-00629
	:	
DANIEL PAUL ALTIERI	:	
Defendant	:	

MOTION TO MODIFY DEFENDANT'S SURRENDER DATE

AND NOW, comes the Defendant, DANIEL PAUL ALTIERI, by and through his counsel, MARC S. FISHER, ESQUIRE, and moves this Honorable Court as follows:

1. On October 29, 2015, this Court sentenced the Defendant to a term of imprisonment of one year and one day, to be followed by three years of supervised release, a fine of \$10,000.00 and a special assessment of \$100.00.
2. On that same date, and in the absence of objection by the Government, this Court entered an Order to Surrender suspending the execution of the prison sentence until December 14, 2015, with the Defendant being directed to report to the institution designated by the United States Bureau of Prisons no later than 2:00 p.m. to commence serving said sentence (Doc. 45).
3. Defendant respectfully requests that the prior Order to Surrender be modified so as to allow him to report to the institution designated by the United States Bureau of Prisons no later than January 4, 2016, by 2:00 p.m. to commence serving said sentence for the following reasons:
 - a. The Defendant is currently receiving monthly Veteran's Administration Disability Benefits in the amount of \$3,230.00 As a result of being imprisoned in excess of sixty (60) days, there will now be a 90%

reduction in his Veteran's Disability Benefits. The Veteran's Administration does allow a veteran, such as the Defendant, to make an application for an apportionment of his award, such that all or part of the disability award may be apportioned (paid) to his or her spouse. The Defendant has been advised that completion of the apportionment application will extend beyond the required surrender date of December 14, 2015, and, if he is not permitted to participate in the apportionment application, the financial repercussions will be severe inasmuch as he and his wife already have a negative monthly cash flow of \$1,802.00 even with the full receipt of his Veteran's Administration Disability Benefits, and further, he will also be losing his Social Security Disability Benefits of \$1,907.00 per month because he is being incarcerated for a period of more than thirty (30) consecutive days;

b. In a further attempt to ease the financial burden to his wife and children, the Defendant is also participating in a refinancing of the marital home in an attempt to convert the mortgage from a variable rate to a fixed rate. The tentative closing for the same is set for December 31, 2015;

c. A minimal extension of the surrender date will also allow him to spend the holiday season with his children; and

d. As noted in the Pre-sentence Investigation Report, the Defendant has and will continue to comply with all conditions of the United States Pretrial Services Office until his surrender, as previously modified by this Court.

4. Defense Counsel has personally communicated with Assistant United States Attorney Virgil Walker who has no opposition to this Motion.

WHEREFORE, Defendant respectfully requests that this Honorable Court grant his Motion to Modify the original Order to Surrender (Document 45) such that the execution of his prison sentence is now suspended until January 4, 2016 at which time he is directed to report to the institution designated by the United States Bureau of Prisons no later than 2:00 p.m. to commence serving said sentence.

Respectfully Submitted,

/s/Marc S. Fisher, Esquire

Marc S. Fisher, Esquire

Worth, Magee, & Fisher, P.C.

Attorney for Defendant, Daniel P. Altieri

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Allentown, PA 18104

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal Action
	:	No.: 13-629
	:	
DANIEL PAUL ALTIERI	:	
Defendant	:	

CERTIFICATE OF SERVICE

I, **Marc S. Fisher, Esquire**, hereby certify that a true and correct copy of Defendant's Motion to Modify Defendant's Surrender Date was filed electronically and served upon:

Virgil B. Walker, Esquire
U.S. Attorney's Office
615 Chestnut Street
Philadelphia, PA 19106

Date: **November 13, 2015**

/s/ Marc S. Fisher, Esquire
Marc S. Fisher, Esquire
Worth, Magee & Fisher, P.C.
Attorney for Defendant, Daniel Paul Altieri
2610 Walbert Ave.
Allentown, PA 18104
610-437-4896
Attorney for Defendant, Daniel Paul Altieri
Attorney I.D. No.: 36711